REMARKS

In the Office Action of March 16, 2004, the Examiner indicated that the newly submitted claims 21-35 were directed to an invention that was independent or distinct from the originally claimed invention. Based upon this finding, the Examiner withdrew claims 21-35 from consideration as being directed to a non-elected invention. By the present Amendment, claims 21-35 have been cancelled without prejudice and may be submitted at a later date in a separate continuation application.

In the Office Action, claim 7 was rejected under 35 USC §102(b) as being anticipated by the Feng U.S. Patent No. 5,649,544. Claims 7 and 19 were rejected under §102(b) as being anticipated by the Halpern et al U.S. Patent No. 5,689,717. Claim 7, 9-11, 13-18 and 20 were rejected under §102(b) as being anticipated by the Mann et al U.S. Patent No. 5,833,623.

By the present amendment, the claims have been amended to more particularly define the subject matter of the present application to which the applicant is believed to be entitled. Based upon the amendments to the claims, as well as the following arguments for allowance, the Examiner is requested to pass the present application to allowance with claims 7, 9-11, 13-18 and 20.

Rejection of Claim 7 under §102(b) Over Feng '544

In the Office Action, the Examiner stated that the Feng '544 patent taught all the features of the invention, including a light source. To find a light source in the Feng '544 reference, the Examiner stated that the monitor 14 shown in the Feng '544 reference inherently illuminates the work space.

By the present amendment, claim 7 has been amended to require a printing device that is configured to print a graphical waveform representing the electrical activity of the heart on a medium moving across the work surface. The system includes a monitor that is coupled to the instrument for the display of images representing the heart. Finally, the system includes a light source, separate from the monitor, that is positioned above the work surface to direct light towards the work surface to illuminate the work surface.

As described in the present application, prior art systems that simply included a monitor, such as those manufactured by the assignee of the present application, were insufficient to provide the lighting required to view and analyze the printed EKG results during portions of a stress test in which the room lighting has been turned off. The present application clearly indicates that the prior art systems that utilized only the monitor for lighting in an otherwise darkened room were insufficient to provide a usable work area for the clinician utilizing the medical testing system. To solve this problem, the applicant developed the system as covered by claim 7.

By the present amendment, claim 7 has been specifically amended to require both a monitor and a light source. Although a computer monitor does emit light, as the Examiner states, the amount of light from the monitor has been found to be insufficient to provide the required lighting for the graphical waveforms printed on a medium moving across the work surface. Thus, the separate light source is required.

The Feng '544 patent does not show or teach the use of a separate light independent from the display. Further, the display taught by the Feng '544 patent is positioned below the printer 16 and thus would be ineffective at shedding light onto the printout from the printer.

Rejection of Claims 7 and 19 under §102(b) Over Halpern '717

In rejecting claims 7 and 19, the Examiner stated that the Halpern '717 patent taught a light source, as represented by the CRT-type display 24 of the computer 22.

As described above in the arguments for allowance with respect to the Feng '544 patent, independent claim 7 has been amended to require both a monitor and a light source, where the light source is positioned above the work surface, such that the light source directs light onto the work surface for illumination of the printed graphical waveforms on the medium moving across the work surface. As described above, prior art systems that include only a monitor and not a separate light source were inefficient and ineffective, as specifically set forth in the present application. To address these problems, the medical testing system of the present invention utilizes both a monitor and a light

source, where the light source is specifically configured to direct light toward the work surface.

The Halpern '717 patent does not include a separate light source apart from the CRT monitor. Further, the Halpern '717 patent does not teach utilizing the monitor to illuminate any printed material contained on a work surface positioned below the light source. Thus, the subject matter of independent claim 7 was not taught or suggested, nor rendered obvious, by the Halpern '717 patent.

Independent claim 19 of the present application has been cancelled and, as such, the rejection of claim 19 has been rendered moot.

Rejection of Claims 7, 9-11, 13-18 and 20 Over Mann '623

In the Office Action, the Examiner stated that the Mann '623 patent taught all of the features of independent claims 7, 9, 14 and 20. Specifically, the Examiner stated that the Mann '623 patent included a monitor 126 that corresponded to the light source required by the independent claims. Specifically, the Examiner stated that the monitor 126 inherently illuminated the work space, since a computer monitor emits light.

By the present amendment, independent claim 7, 9, 14 and 20 have all been amended to specifically state that the testing system includes both a monitor and an illuminating device or light source that is positioned to illuminate the work surface. As described above in the arguments for allowance with respect to the Feng '544 patent, the prior art testing systems that include only a monitor and not the illuminating component or light source are ineffective in illuminating the printed EKG strip during use of the testing system in a darkened room. Thus, the inclusion of the light source, in addition to the monitor, provides a testing system in which the system can be used in a darkened room and allows the work surface to be adequately illuminated for both viewing and writing information related to the graphic waveform being printed.

For the same reasons discussed above in the arguments for allowance over the Feng '544 patent and Halpern '717 patent, the Mann '623 patent does not teach or suggest, nor render obvious, the inclusion of a separate illuminating component other than the

computer monitor. Based upon this inadequacy of the Mann '623 patent, independent claims 7, 9, 14 and 20 are believed to be in condition for allowance and such action is respectfully requested.

Claims 10-11, 13, 15-18 depend directly or indirectly from one of the independent claims and are believed to be allowable based upon the subject matter of each claim, as well as the above arguments for allowance.

Conclusion

Based upon the above claim amendments, as well as the arguments for allowance of the claims over the references cited by the Examiner, the applicant hereby requests passage of the present application to allowance.

The Examiner is invited to contact the applicant's undersigned attorney with any questions or comments, or to otherwise facilitate prosecution of the present application.

Respectfully submitted,

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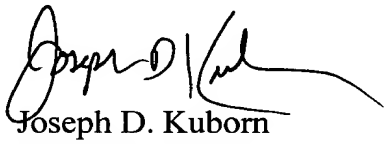

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